

CONDITIONAL USE PERMIT

FOR THE EXPANSION OF AN AUTOMOTIVE STAGING FACILITY AND RAIL YARD

CASE #CU-98-12

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for an expansion of an automotive staging facility and rail yard (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-98-12 for that property described in exhibit “A” attached hereto and made a part hereof, located at 9101 Yosemite Street, Commerce City, Colorado; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for in Case #CU-98-12 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. In the future, if the use of the subject property is changed from the current use as a transloading facility, the city and the railroad shall jointly determine if a new development plan is appropriate.
- B. The detention area identified on the development plan dated July 25, 2012 shall only be used for storm water detention purposes.
- C. All trash, debris, and illegal dumping shall be removed from the drainage area prior to issuance of a building permit.
- D. Any future outdoor storage on the site shall be screened in accordance with the standards set forth in the Land Development Code.

Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit authorized for the above-described property, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-98-12 is not proper in the absence of compliance with the conditions herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions,

and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 17TH day of September, 2012.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"

LEGAL DESCRIPTION

Case #CU-98-12

PARCEL A:

TRACT A, IRONDALE INDUSTRIAL DISTRICT, FILING NO. 3, COUNTY OF ADAMS, STATE OF COLORADO, LESS AND EXCEPT THAT PORTION COVEYED IN CORRECTION QUITCLAIM DEED RECORDED JUNE 2, 1989 IN BOOK 3569 AT PAGE 587

PARCEL B:

LOT 1, BLOCK 1, IRONDALE INDUSTRIAL DISTRICT, FILING NO. 4, COUNTY OF ADAMS, STATE OF COLORADO

PARCEL C:

LOT 8, BLOCK 1 IRONDALE INDUSTRIAL DISTRICT, FILING NO. 6, COUNTY OF ADAMS, STATE OF COLORADO, LESS AND EXCEPT THAT PORTION CONVEYED IN QUITCLAIM DEED RECORDED JUNE 30, 2004 AT RECEPTION NO. 20040630000552980